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September 22, 2022

Hon. Stephen Hansbury, J.S.C.
Courtroom 151
Morris County Courthouse
Court Street and Anne Street
Morristown, NJ 07960

Re: I/M/O Borough of Chatham Application for Judgment of Compliance
with Third Round Mount Laurel Affordable Housing Obligation,
Docket No. MRS-L-1906-15
SUBMISSION OF DOCUMENTS SUPPORTING THE BC UW 15-UNIT PROJECT

Dear Judge Hansbury:

As you are aware, I represent plaintiff / petitioner
Borough of Chatham (the "Borough") in the above matter which has a
compliance hearing scheduled for October 27, 2022 at 10:00 am but
which your Honor has advised will be further adjourned on October 27th
to November 7, 2022, which will be subject to an Order that your
Honor advised will be entered shortly.

As you are also aware, your Honor entered an order on
August 25, 2022 which granted the Borough's motion to enforce
litigant's rights against Fair Share Housing Center ("FSHC"),
ordering FSHC to review in good faith the Bergen County United Way
("BCUW") 15-unit 100% affordable housing family rental project (the

"BCUW project") proposed in the Post Office Plaza redevelopment area to comply with the court-approved First Amendment to the Settlement Agreement dated June 1, 2021 (the "First Amendment"). The order enforcing litigant's rights further provides that the court's special master, Joseph H. Burgis, must provide a report to the court by September 26, 2022 "as to the status of the BCUW project and to its financing and timing." Finally, the order provides that interested parties may respond to that report by October 7, 2022.

I am writing to submit to the court the package of documents that I have submitted to Rachel Lokken, attorney for FSHC, and to Mr. Burgis, the court's special master, in support of the Borough's formal request to FSHC that FSHC review and approve the BCUW project as a substitute for the 15 units of affordable housing that would have been produced had the Borough signed a redeveloper's agreement with a developer to construct an inclusionary development in the Post Office Plaza redevelopment area in accordance with the First Amendment.

I am submitting the package of documents so that interested party / objector SV Chatham PO JV LLC ("SV") as well as any other individuals or entities that may wish to object at the compliance hearing can have access to the documents not only ahead of the compliance hearing which will be scheduled for November 7, 2022, but also ahead of the time that Mr. Burgis is required to submit his report by September 26, 2022.

Specifically, I am submitting as exhibits to this letter the following documents which support the Borough's request that FSHC review and approve the BC UW project:

1. Ordinance 22-10 introduced by the Borough on September 12, 2022 and scheduled for adoption after a public hearing on October 11, 2022, which ordinance adopts an amended and restated Post Office Plaza Redevelopment Plan to eliminate all lots other than Borough owned Lots 10 and 17 in Block 121 from the Plan.

2. Ordinance 22-11 introduced by the Borough on September 12, 2022 and scheduled for adoption after a public hearing on October 11, 2022, which ordinance reinstates the prior zoning for the lots eliminated from the Post Office Plaza Redevelopment Plan.

3. Ordinance 22-12 introduced by the Borough on September 12, 2022 and scheduled for adoption after a public hearing on October 11, 2022, which ordinance appropriates the sum of \$6,000,000 for the purpose of providing for the development and construction of the BC UW project to the extent that the funds received by BC UW from various funding sources are insufficient to pay the costs of developing and constructing the BC UW project, and which authorizes the issuance of bonds pursuant to the Local Bond Law for the above purposes.

4. BC UW timeline (undated) and conceptual floor plans (dated September 7 2022) showing the feasibility of financing and constructing in a timely fashion the BC UW project.

5. Memo from Dr. Robert S. Powell, Jr. dated September 15, 2022 containing his professional opinion that the timeline proposed by BC UW (which is the one referenced above in item #4 and which is attached to his memo) is reasonable and credible and explaining the bases of his opinion.

6. Redevelopment Agreement by and between the Borough and BC UW dated and signed September 16, 2022.

7. Resolution #22-02 adopted by the Borough on January 3, 2022 awarding professional service contracts and authorizing the entry into such contracts for a number of firms, including Piazza & Associates.

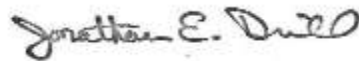
8. Affordable Housing Compliance Services contract entered into by and between the Borough and Piazza & Associates dated and signed September 13, 2022.

Finally, the three ordinances referenced above (Ordinances 22-10, 22-11 and 22-12) were reviewed by the Borough Planning Board pursuant to N.J.S.A. 40A:12A-7e, 40:55D-26a and 40:55D-31a, respectively, at its meeting held last night, September 22, 2022, and all have been recommended for adoption. I have been advised that the Planning Board adopted three resolutions (one for each ordinance) containing findings in these regards. Once I receive copies of the signed resolutions, I will send a follow up letter to the court with the resolutions as exhibits.

The Borough believes that the only thing left to do which cannot be done prior to September 26, 2022 is the adoption of the three ordinances which is scheduled for October 11, 2022.

Respectfully submitted,

STICKEL, KOENIG, SULLIVAN & DRILL, LLC



By:

JONATHAN E. DRILL

Copy via eCourts and email:

Joseph H. Burgis, AICP, PP (court special master)

Rachel N. Lokken, Esq. (attorney for defendant intervenor FSHC)

Craig M. Gianetti, Esq. (attorney for objector SV joint venture)